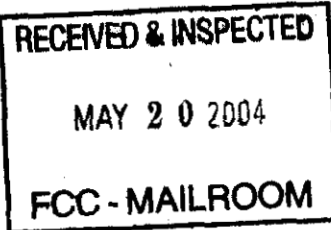


DOCKET FILE COPY ORIGINAL



May 13, 2004

To: Marlene H. Dortch,
Secretary, FCC

Enclosed are the original and four copies of a Petition for Rulemaking to amend the DTV Table of Allotments.

Your assistance on this matter is greatly appreciated.

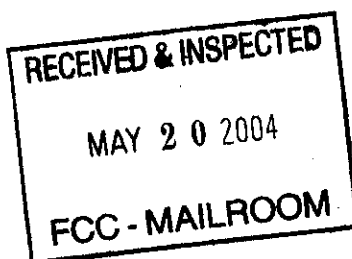
Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Desmond".

Thomas Desmond
3216 Verbena Drive
Plano, TX 75075

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List A B C D E
MB 04-106

Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554



In the Matter of)
)
Amendment of Section 73.622(b)) RM-_____
Table of Allotments)
DTV Table of Allotments)
(Greeley, CO))

To: Chief, Video Division

PETITION FOR RULEMAKING

1. Thomas Desmond ("Desmond"), pursuant to Sections 1.401(a) and 73.622(a) of the Commission's Rules, hereby petitions (the "Petition") the Commission to institute a rulemaking proceeding to amend the Digital Television Table of Allotments to allot DTV Channel 45 to Greeley, Colorado, as that community's first local commercial television service. Section 73.622(b) would be amended as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Greeley, CO	-----	45

No other change in the existing DTV Table of Allotments is requested.

2. **Desmond's Proposal meets the FCC's Separation Requirements.** As shown in the attached Engineering Technical Statement, the allotment of DTV Channel 45 to Greeley at the following reference coordinates meet all spacing requirements set forth under Section 73.623(d) of the Rules:

North Latitude 40-25-15

West Longitude 104-31-30

No short spacing or prohibited contour overlap will be caused to any known full power or Class A television license, construction permit, or pending modification application. Therefore, the Commission may act promptly on this Petition.

3. Desmond's Proposal Serves the Public Interest Under the FCC's TV Allotment Priorities. As noted, the allotment of DTV Channel 45 will provide Greeley with a first local commercial television service, promoting the underlying objectives of Section 307(b) of the Communications Act of 1934, as amended, by providing a fair, efficient, and equitable distribution of television broadcast stations to communities within the United States. It also serves the Commission's second television allotment priority of providing each community with at least one television broadcast station. *See Sixth Report and Order on Television Allocations, 41 FCC 148, 167 (1952).*

4. Greeley is Deserving of a First Television Service. The community of Greeley is an incorporated community, located in Weld County, in northern Colorado. Greeley is an incorporated community with a population of 76,930 people per the 2000 census. The FCC has previously found that Greeley has the attributes necessary for allotment purposes, as Greeley is the city of license for commercial FM broadcast station KSME (channel 241C1). Greeley is also the city of license for non-commercial FM broadcast station KUNC-FM (218C1) and commercial AM broadcast stations KFKA (1310) and KGRE (1450).

5. Desmond's Declaration of Intent. If Desmond's proposal set forth herein is adopted, and the Commission allots DTV Channel 45 to Greeley, Colorado, as requested, Desmond will file an appropriate application and will construct the new station facilities, if authorized to do so.

CONCLUSION

6. For the preceding reasons, Desmond hereby respectfully requests that the Commission promptly initiate a rulemaking proceeding to amend the DTV Table of Allotments to allot DTV Channel 45 to Greeley, Colorado, as that community's first local commercial television service.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. S. Desmond', written over a horizontal line.

Thomas S. Desmond
3216 Verbena Drive
Plano, TX 75075
Telephone: 972-422-4674
E-mail: tdesmond@sprynet.com

May 13, 2004

**ENGINEERING TECHNICAL STATEMENT PREPARED BY THOMAS
DESMOND, ON HIS OWN BEHALF, IN SUPPORT OF A PETITION FOR
RULEMAKING TO AMEND THE DTV TABLE OF ALLOTMENTS
GREELEY, COLORADO**

Pursuant to Section 74.622(a), a petitioner who requests to amend the DTV Table of Allotments to add a new channel must demonstrate a geographic site which is compliant with the geographic spacing criteria of Section 73.623(d). Exhibit I demonstrates that the instant Petition is compliant with the geographic spacing criteria using the reference coordinates for the community of Greeley, Colorado. These reference coordinates are:

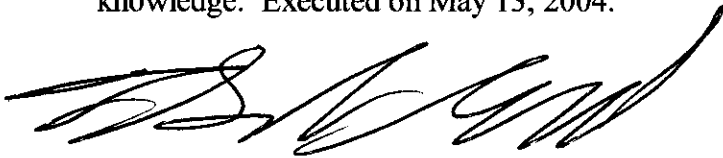
North Latitude 40-25-15
West Longitude 104-31-30

Exhibit II illustrates the location of the reference coordinates for the proposed allotment of DTV channel 45 to Greeley. Exhibit III illustrates the coverage area of DTV channel 45 at the reference coordinates with an ERP of 50 kw and HAAT of 100 meters to demonstrate that the proposed coordinates can place a 48 dBu contour over the entire city of Greeley.

Certification

I, Thomas Desmond, declare and state that I am a graduate electrical engineer with a Bachelor of Science in Electrical Engineering earned from Colorado State University in 1984. I further affirm and state that I am preparing this technical statement on my own behalf.

This technical statement and engineering work are true and correct to the best of my knowledge. Executed on May 13, 2004.

A handwritten signature in black ink, appearing to read 'T. Desmond', is written over a horizontal line.

Thomas S. Desmond
BSEE

Exhibit I: Digital TV Spacing Study

Channel 45, Digital

Zone II

Database: FCC 5/13/04

Call City of License	Authorization File Number	Channel Zone	Distance (km)	Required (km)
KDVR Denver, CO	TV LIC BLCT-19830818KM	31 II	97.89	96.6 Close
KRMT Denver, CO	TV LIC BLET-19880830KE	41 II	108.31	96.6 Close
K43EM Cheyenne, WY	CA CP BPTTL-20010712AAD	43 II	70.19	32.4 Clear
KWHD Denver, CO	DT CP BPCDT-19991005ABO	46 II	110.30	110 Close
KWHD Denver, CO	DS STA BDSTA-20030122AEZ	46 II	110.30	110 Close
KSBS-LP Denver, CO	CA CP BPTTL-20000628AEQ	47 II	123.38	32.4 Clear
KWHD Denver, CO	TV LIC BLCT-19990922AAX	53 II	110.30	96.6 Close

>>End of DTV Channel 45 Zone II study<<

Exhibit II: Reference Coordinates for DTV45

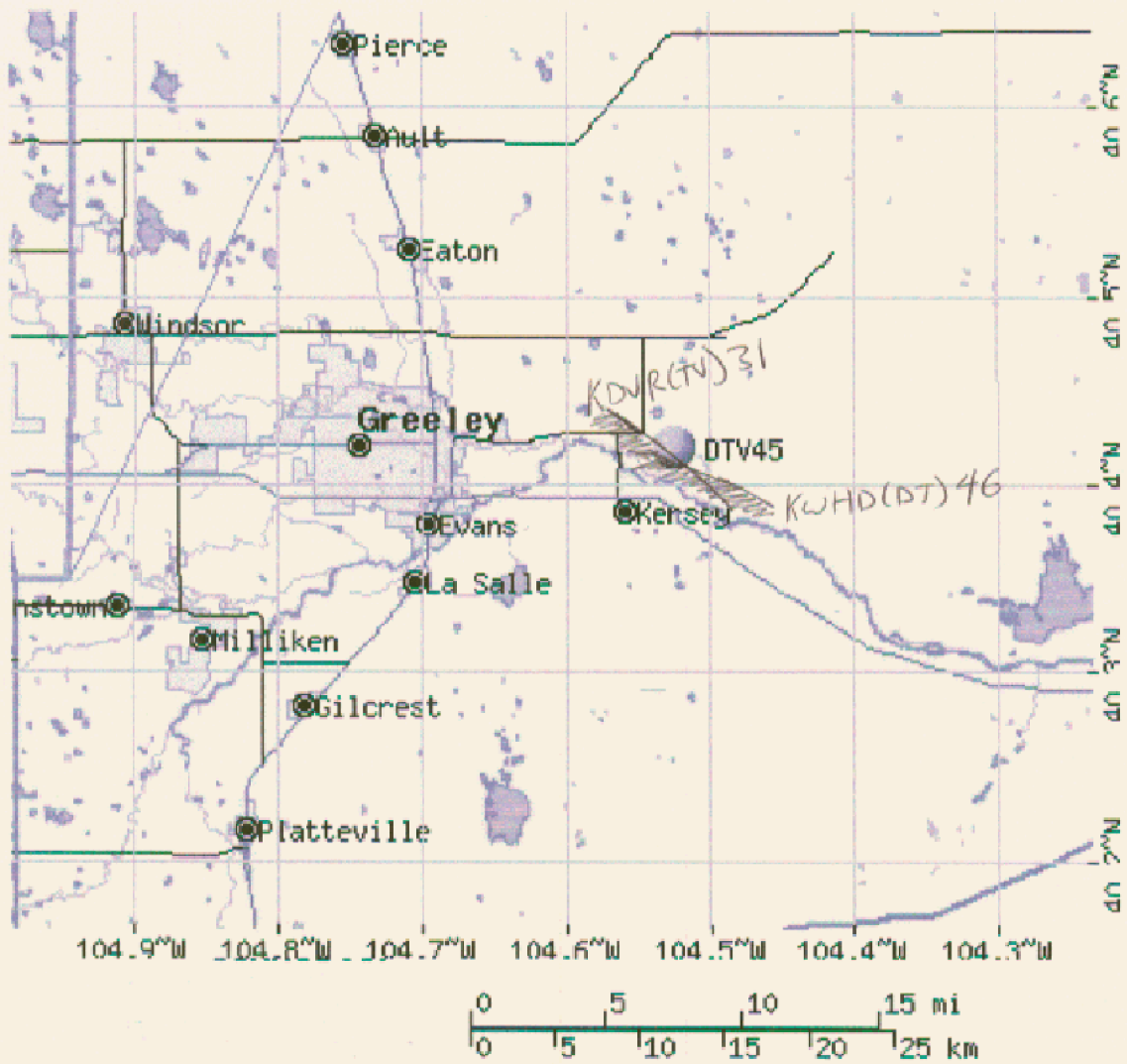


Exhibit III: Coverage of DTV45
(50 kw ERP, 100 meters HAAT)

